



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/128,244	08/03/1998	LAWRENCE J. ELLISON	233/038	2416

7590 01/14/2003

DEREK J WESTBERG  
LAW OFFICES OF DEREK J WESTBERG  
TWO NORTH SECOND STREET SUITE 1390  
SAN JOSE, CA 95113

EXAMINER

KUPSTAS, TOD A

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/128,244

Applicant(s)

ELLISON ET AL.

Examiner

Tod Kupstas

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 2153

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>©</sup> of this title before the invention thereof by the applicant for patent.

2. Claims 29, and 30-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramasubramanian et al (US 6,172,672).

Regarding claims 29, 33 and 37, Ramasubramanian discloses a system for sending improved quality video data to a client, comprising the steps of: sending a video stream to said client in accordance with a set of streaming constraints, said video stream comprising at least a subset of video information from a first source (fig. 1B, element 134); receiving a signal indicating a relaxation of said streaming constraints (col. 6, line 25 - col. 7, line 12); in response to said signal, accessing a set of improved quality video information from a second source (fig. 1B, element 140), said improved quality video information comprising an improved quality version of at least a subset of the video information in said video stream, wherein said improved quality video information includes a plurality of still images in the form of a still image file format (a

Art Unit: 2153

video stream is composed of frames, each frame being a single still image, also see col. 8, lines 29-34 (the process described can be repeated to provide multiple copies of an image in the JPEG, PCX, BMP, TIFF, etc. formats); and sending said set of improved quality video information to said client (col. 6, line 25 - col. 7, line 12).

As set forth in claims 31, 35, and 39, Ramasubramanian discloses using a method wherein the still image file format is selected from the group consisting of a JPEG file, a GIF file, a BMP file, a TIFF file, a PIC file, a MAC file and a PCD file; see col. 8, lines 29-34, Ramasubramanian at least discloses a JPEG, BMP and TIFF file.

Regarding claims 30, 34 and 38, Ramasubramanian discloses said step of accessing said set of improved quality video information comprising the steps of: determining a first reference point from the information in said video stream; correlating said first reference point with a second reference point in said second source; and retrieving said set of improved quality video information from said second source based upon said second reference point (col. 6, line 25 - col. 7, line 12).

Regarding claims 32, 36 and 40, Ramasubramanian discloses a system, wherein said signal indicates that video information is to be displayed at said client at a slower presentation rate, and wherein said step of sending said set of improved quality video information comprises the step of streaming said improved quality video information to said client at an appropriate streaming rate to accommodate said slower presentation rate (col. 6, line 25 - col. 7, line 12).

Art Unit: 2153

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31, 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramanian et al (US 6,172,672).

Regarding claims 31, 35 and 39, Official Notice is taken of the well known use of the JPEG video format for transmitting multimedia information over a network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Ramasubramanian to transmit video information in JPEG video format. The rationale is as follows: as JPEG file formats are widely utilized and supported on the world wide web, one of ordinary skill in the art would have been motivated to provide the video distribution system of Ramasubramanian in a format such as JPEG, thereby providing the information in a standard format which can be transmitted easily via the Internet.

Art Unit: 2153

5. Claims 41-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramanian et al (US 6,172,672) in view of Palmer (US 6,195,683).

Regarding claims 41, 51, 62 and 71, Ramasubramanian discloses a system for sending improved quality video data to a client, comprising the steps of: sending a video stream to said client in accordance with a set of streaming constraints, said video stream comprising at least a subset of video information from a first source (fig. 1B, element 134); receiving a signal indicating a relaxation of said streaming constraints (col. 6, line 25 - col. 7, line 12); in response to said signal, accessing a set of improved quality video information from a second source (fig. 1B, element 140), said improved quality video information comprising an improved quality version of at least a subset of the video information in said video stream and not including audio information, and sending said set of improved quality video information to said client (col. 6, line 25 - col. 7, line 12).

Regarding claims 41, 51, 62 and 71, Ramasubramanian does not disclose sending time stamps to the client regarding the video information. Palmer discloses a method of transmitting multimedia information to clients wherein time stamps are included with the information (col. 13, lines 40-45 and col. 15, lines 27-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Ramasubramanian with the ability to include time stamps with the information transmitted to the client as disclosed by Palmer. The

Art Unit: 2153

rationale is as follows: by providing time stamps with the information transmitted to the client, the video data and audio data can be properly synchronized at the client workstation.

Regarding claims 42, 52, 63 and 72, Ramasubramanian discloses a system wherein said improved quality video information includes a plurality of still images (a video stream is composed of frames, each frame being a single still image).

Regarding claims 43, 46, 47, 53, 57, 58, 67, 68, 76 and 77, Ramasubramanian discloses a system wherein the second source comprises a set of preprocessed information ready to be streamed and a system said signal indicates that video information is to be displayed at said client at a slower presentation rate, and wherein said step of sending said set of improved quality video information comprises the step of streaming said improved quality video information to said client at an appropriate streaming rate to accommodate said slower presentation rate (col. 6, line 25 - col. 7, line 12).

Regarding claims 44, 45, 55, 56, 65, 66, 74 and 75, Ramasubramanian does not disclose video information in the MPEG format. Official Notice is taken of the well known use of the JPEG video format and MPEG video format for transmitting multimedia information over a network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Ramasubramanian to transmit video information in JPEG and MPEG format. The rationale is as follows: as JPEG and MPEG file formats are widely utilized and supported on the world wide web, one of ordinary skill in the art would have been motivated

Art Unit: 2153

to provide the video distribution system of Ramasubramanian in a format such as JPEG and MPEG, thereby providing the information in a standard format which can be transmitted easily via the Internet.

Regarding claims 48, 59, 69 and 78, Ramasubramanian discloses improved quality video information which includes selected frames from the second source and omits skipped video information from the second source (col. 6, line 25 - col. 7, line 12).

Regarding claims 49, 50, 60, 61, 69, 70, 78 and 79, Ramasubramanian does not disclose the signal being generated in response to a request for a seek or rewind operation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the video distribution system as disclosed by Ramasubramanian for operations desired by a client such as seek and rewind, thereby enabling the client to receive improved quality video information.

Regarding claims 54, 64, and 73, Ramasubramanian discloses a system wherein said improved quality video information includes a plurality of still images (a video stream is composed of frames, each frame being a single still image). Regarding the time stamp information, these claims are rejected under similar rationale as claims 41, 51, 62 and 71 (see above).

***Response to Arguments***

6. Applicant's arguments filed 4/6/2002 have been fully considered but they are not persuasive.



Art Unit: 2153

Applicant argues that Ramasubramanian uses still image formats “only for “a quality snapshot” and not for other display operations.” Applicant contends that the claims as now amended now avoid the disclosure of Ramasubramanian. The Examiner disagrees the prior art discloses presenting an improved version of the image data for the viewer upon his or her request. This disclosure clearly meets the limitations of the claims as now amended. In col. 8, line 34, it states “this process [that of viewing high quality image data] may be repeated.” That means that there is a “a plurality of still images in the form of a still image file format.” The limitations of the claims are therefore met.

Applicant objects to the 103 rejection based on Palmer and the usage of time stamps for synchronization purposes, because Palmer utilizes time stamps with audio information. Applicant has consequently amended the claims to not include audio information in the usage of time stamping. The Examiner contends that the 103 rejection is still proper since Palmer is teaching the usage of Time stamping as a means for synchronizing the information. Applicant’s amendment of the claims would not change the purpose of the teaching of Palmer. The usage of time stamping is important for all multi-media information, simply because the Applicant uses it solely for video data does not mean that any teaching of time stamping for other types of media information is therefore invalid with respect to video information. Indeed, in Palmer it is the video data that is time stamped. The Examiner contends that the 103 rejection is still valid.

Art Unit: 2153

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 308-7201. Any inquiry of a general nature or relating to the status of this


Application/Control Number: 09/128,244


Page 9

Art Unit: 2153

application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas

  
Jan. 8, 2003

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100